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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO		
09/410,737	10/01/1999	DELPHINE ANH DAO LE	169.1476	7371		
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FITZPATRICK CELLA HARPER & SCINTO			EXAMINER			
30 ROCKEFE NEW YORK,			LAROSE, O	LAROSE, COLIN M		
			ART UNIT	PAPER NUMBER		

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Application No. Applicant(s) Og/410,737				7				
Examiner Colin M. LaRose 2623 2623 2623 2623 2624 2623 2623 2623 2624 2624 2625		Application No.	Applicant(s)					
Colin M. LaRose - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified above is less than thiny (30) days, a reply within the statistory minimum of thiny (30) days will be considered linely. If the period for reply specified above is less than thiny (30) days, a reply within the statistory minimum of thiny (30) days will be considered linely. If the period for reply specified above is less than thiny (30) days, a reply within the statistory minimum of thiny (30) days will be considered linely. If the period for reply specified above is less than thiny (30) days, a reply within the statistory minimum of thiny (30) days will be considered linely. If the period for reply specified above is less than thiny (30) days, a reply with linely (30) (30) days will be considered linely. If the period for reply specified above, the mainima days and visit line maining date of this communication. A pricely reply received by the Office liter than there months after the mailing date of this communication, even if timely filed, may reduce any seamed pathent are adjustment. Sea of CPR 17 (10) (10) (10) (10) (10) (10) (10) (10)		09/410,737	LE ET AL.					
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3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-65 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are epicted. 7) Claim(s) is/are objected to. 8) Claim(s) 1-65 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in his National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 10 Notice of References Cited (PTO-922) 20 Notice of References Cited (PTO-932) 31 Notice of Informal Patent Application (PTO-152)	1) Responsive to communication(s) filed on _	·						
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3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:		5) 🔲	Notice of Informal Patent Application (P					

Application/Control Number: 09/410,737

Art Unit: 2623

3

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9, 48-50, and 57-59, drawn to method/apparatus/computer program product for seeding an image, classified in class 382, subclass 276.
 - II. Claims 10-24, 30-47, 51, 52, 54-56, 60, 61, and 63-65, drawn to method/apparatus/computer program product for segmenting an image, classified in class 382, subclass 173.
 - III. Claims 25-29, 53, and 62, drawn to method/apparatus/computer program product for encoding an image, classified in class 382, subclass 232.
- 2. Claims 36 and 37 link inventions I and II. Claims 29 and 44 link inventions II and III. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claim 29, 36, 37, and 44. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is

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withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

3. The inventions are distinct, each from the other because:

Inventions I, II, and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, inventions I, II, and III each have separate utility such as seeding an image, segmenting an image, and encoding a segmented image. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement may be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colin M. LaRose whose telephone number is (703) 306-3489. The examiner can normally be reached Monday through Thursday from 8:00 to 5:30. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au, can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600 Customer Service Office whose telephone number is (703) 306-0377.

CML

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12 November 2002

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2600